



Michael O. Leavitt
Governor

Ted Boyer
Executive Director

Francine Giani
Division Director

State of Utah

DEPARTMENT OF COMMERCE

Heber M. Wells Building
160 East 300 South/Box 146701
Salt Lake City, Utah 84114-7601
(801) 530-6955
Fax: (801) 530-6446
E-mail: Commerce@utah.gov
Web: www.commerce.utah.gov
TDD: (801) 530-6917

INSTRUCTIONS FOR CHARITABLE ORGANIZATION PERMIT APPLICATION FORM

General Instructions. Please respond to each paragraph as requested. Responses such as “see contract” will not be acceptable. If any information becomes incorrect or incomplete, you must file the complete information or correct your application within thirty (30) days after the information becomes incorrect or incomplete.

Your permit will expire on the earlier of January 1, April 1, July 1, or October 1 following the completion of 12 months after the date of its initial issuance. After that date, you will need to renew your permit annually on the same date. There is an annual registration fee. In addition to the annual registration fee, if you fail to file a permit application or renewal by the due date or if you file an incomplete application for renewal, you will be required to pay an additional fee of \$25 for each month or part of a month after the date on which your application was to be filed. Please note that the Charitable Solicitations Act does not allow for extensions.

You may file the Unified Registration Statement (URS) in place of this application provided that you include with the completed URS form your completed response to the Supplement To Unified Registration Statement found at the end of these instructions. The Charitable Solicitations Act should be referred to for definitions of terms used in the URS.

Specific Instructions for Charitable Organization Permit Application Form.

PART I

Paragraph 1: State your organization’s legal name.

Paragraph 2: State any previous name used by the organization and any other names the organization may be identified as or known as. Include any distinctive name used by the organization for purposes of solicitation.

Paragraph 3: If different, state both the organization’s street and mailing addresses.

Paragraph 4: Indicate the type of legal entity that the organization has formed.

Paragraph 5: State the name and telephone number of the person to be contacted by the Division if there are questions concerning the application or other matters pertaining to the organizations operations.

PART II

Paragraph 1: The purpose of this section is to identify whether your organization either uses or is a “parent foundation”. A parent foundation is defined to mean a charitable organization which charters or affiliates local units under terms specified in the parent charitable organization’s charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument or bylaws. If your organization uses or is a parent foundation, complete Paragraphs 2 and 3. If not, then skip to Part III.

Paragraphs 2 and 3: State the name, address, contact person and telephone numbers of your parent foundation or the local units that are chartered or affiliated with your organization. Indicate the state where these organizations are currently registered.

PART III

Paragraph 1: The purpose of this section is to identify whether your organization uses professional fund raisers, fund raising counsel or consultants. A “professional fund raiser” is defined as any person who (1) for compensation or any other consideration solicits contributions for charitable purposes, or plans or manage the solicitation of contributions for or on behalf of any charitable organization or any other person; (2) engages in, or holds himself out to persons in this state as being independently engaged in, the business of soliciting contributions for a charitable organization; (3) manages, supervises, or trains any solicitor whether as an employee or otherwise; or (4) uses a vending device or vending device decal for financial or other consideration that implies a solicitation of contributions or donations for any charitable organization or charitable purpose. A “professional fund raiser” does not include a bona fide officer, director, volunteer, or full-time employee of a charitable organization. A “professional fund raising counsel or consultant” is defined as a person who (1) for compensation plans, manages, advises, counsels, consults, or prepares material for, or with respect to, the solicitation in this state of contributions for a charitable organization, whether or not at any time the person has custody of contributions from a solicitation; (2) does not solicit contributions; and (3) does not employ, procure, or engage any compensated person to solicit or receive contributions. A “professional fund raising counsel or consultant” does not include an attorney, investment counselor, or banker who in the conduct of that person’s profession advises a client when actually engaged in the giving of legal, investment or financial advice. If your organization uses a professional fund raiser or professional fund raising counsel or consultant, complete paragraphs 2 and 3. If not, then skip to Part IV.

Paragraphs 2 and 3: State the name, address, and telephone numbers for each professional fund raiser and professional fund raising counsel or consultant that is to be used. Attach additional sheets if necessary. Indicate the dates that your contracts with these entities become effective and will terminate. In addition, if known, indicate the states where these entities are currently registered.

PART IV

Paragraph 1: The purpose of this section is to identify the commercial co-venturers that your organization has agreed to use in any charitable sales promotion. A “commercial co-venturer” is defined as a person who for profit is regularly and primarily engaged in trade or commerce other than in connection with soliciting for charitable organizations or purposes. “Charitable sales promotion” means an advertising or sales campaign, conducted by a commercial co-venturer, which represents that the purchase or use of goods or services offered by the commercial co-venturer will benefit, in whole or in part, a charitable organization or purpose. The Charitable Solicitations Act requires that your agreement with the commercial co-venturer be in writing. The commercial co-venturer is required to disclose in each advertisement for a charitable sales promotion the dollar amount or percent per unit of goods or services purchased or used that will benefit the charitable organization or purpose. In addition, the commercial co-venturer is required to keep the final accounting for each charitable sales promotion conducted in this state for three years after the final accounting date and to make the accounting available to the division upon request. If your organization will use a commercial co-venturer, complete paragraphs 2 and 3. If not, skip to Part V.

Paragraphs 2 and 3: State the name, address and telephone numbers of each commercial co-venturer. Attach additional sheets if necessary. Indicate the date that the charitable sales promotion is expected to commence. This will satisfy the notice requirement of U.C.A. § 13-22-22(1) for the charitable sales promotion that is being referred to. If your organization agrees to permit another charitable sales promotion to be conducted by a commercial co-venturer that is not disclosed in your application, you must file with the Division a similar notice prior to commencement of the charitable sales promotion.

PART V

Paragraph 1: State the charitable purpose for which the contributions are being solicited by your organization.

PART VI

The purpose of this Part is to determine the percentage of contributions collected that are projected to remain available for application to the charitable purposes declared in Part V Paragraph 1. This percentage will be included in a list that the Division provides to the public.

Paragraph 1: The numbers for subparagraphs B, C and D should be taken from the most recently filed IRS Form 990, 990EZ or 990PF. If the charitable organization has not filed either of these forms during the calendar year immediately preceding the date of the application or if the charitable organization is not otherwise required to file them, then the numbers should be taken from the organization’s financial statement for the calendar year immediately preceding the date of the application. The information that you provide in this paragraph will not substitute for your filing with the division a copy of your IRS Form 990 as required in Part X below.

Line A: This is the fiscal year ending date of the report that you use in arriving at the numbers in the following lines.

Line B: The number for this line is the number found on line 1d of the IRS Form 990 or line 1 of the 990EZ. If either Form is not used, line B is the total contributions from all sources.

Line C: The number for this line is the number found on line 15 of the IRS Form 990. There is no corresponding line on the 990EZ. If the IRS Form 990 is not used, then line C is the total fund raising costs expended by your organization.

Line D: The number for this line is the number found on line 14 of the IRS Form 990. There is no corresponding line on the 990EZ. If the IRS Form 990 is not used, then line D is the total management and general costs of your organization.

Line E: The number on this line is the percentage of contributions expended on fund raising. This percentage is arrived by dividing line C by line B.

Line F: The number on this line is the percentage of contributions expended on both fund raising and management. To arrive at this figure, first add lines C and D. Then divide the sum of these two lines by line B.

Line G: The number on this line is the percentage of contributions that remained available to the public purposes declared in the application. This number is arrived at by subtracting line F from 100%.

Paragraph 2: In most cases the percentage arrived at in line 1G will be the percentage that the Division should report to the public as the percentage of contributions that your organization projects will be applied to its charitable purposes during the period of the application. In those cases where it is not an accurate representation, you should indicate “no” and state what percentage should be reported instead. You must also provide the factual basis for the percentage being something different. Your explanation should be in sufficient detail to justify the Division using the different percentage and should include supporting documentation where available. If the factual basis for the different percentage is not adequately explained, the Division will report the percentage arrived at on line 1G.

PART VII

Paragraphs 1 and 2: State the dates for the commencement and termination of each solicitation campaign. Also identify the methods to be used by your professional fund raisers and professional fund raising counsel or consultants.

Paragraph 3: Indicate whether your organization will use a vending device. If yes, then complete paragraphs 4, 5 and 6. If not, then skip to Part VIII.

Paragraph 4: “Vending device” means a container used by a charitable organization or professional fund raiser, for the purpose of collecting a charitable solicitation, contribution, or donation whether or not the device offers a product or item in return for the contribution or donation. “Vending device” includes machines, boxes, jars, wishing wells, barrels, or any other container.

PART VIII

Paragraph 1: Be as complete as you can in describing the nature and the current status of any order issued against any of your officers, managers, operators, principals, or agents.

Paragraph 2: Be as complete as you can in describing the nature and the current status of any criminal conviction of any of your officers, managers, operators, principals or agents for crimes of moral turpitude. Crimes of moral turpitude are crimes that are based on moral depravity or, in other words, crimes other than minor traffic offenses or other similar infractions.

PART IX

Paragraph 1: Your registered agent is the person or entity authorized to accept service of process on behalf of your organization. Your registered agent does not need to be a resident of Utah.

Paragraph 2: The telephone numbers can be the day time work telephone numbers.

PART X

Paragraph 1: A copy of each of the documents that are listed must accompany your application. In most cases, the document needs to be submitted only with the initial application unless the document has been amended, restated or replaced since the initial application was filed. A copy of the IRS Form 990, 990EZ or 990PF, if required to be filed, should be included with each application.

Signatures: Your application must be signed by a person authorized by the organization to sign on its behalf and must be signed before a notary public. A photocopy will not be accepted. The application and verification are normally signed by the same person.